

IN THE UNITED STATES DISTRICT COURT ^{FILED BY *JE*} D.C.
 FOR THE WESTERN DISTRICT OF TENNESSEE
 WESTERN DIVISION **05 SEP 27 AM 11:29**

LECTROLARM CUSTOM
 SYSTEMS, INC.,

Plaintiff,

vs.

VICON INDUSTRIES, INC., et al.,

Defendants.

THOMAS M. GOULD
 CLERK, U.S. DISTRICT COURT
 W/D OF TN, MEMPHIS

No. 03-2330 *Ma/A*

ORDER DENYING MOTION TO COMPEL

Before the Court is Defendant GE Interlogix, Incorporated's Motion to Compel the Deposition of William V. Smith or, in the Alternative, to Compel the Production of a Detailed Description of Mr. Smith's Medical Condition filed on March 11, 2005. After consideration and *in camera* review of Mr. Smith's medical report, it is recommended that the Defendant's Motion to Compel be **DENIED**.

The Plaintiff, however, must notify the Defendants whether it intends to call Mr. Smith as a witness at trial by March 31, 2006. If Plaintiff so decides to call Mr. Smith at trial and notifies Defendants of their intention, the Defendants shall have until May 1, 2006 to conduct a deposition of Mr. Smith.

IT IS SO ORDERED.

S. Thomas Anderson
 S. THOMAS ANDERSON
 UNITED STATES MAGISTRATE JUDGE

Date: *September 26, 2005*

This document entered on the docket sheet in compliance
 with Rule 58 and/or 79(a) FRCP on 9-28-05

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